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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,366	12/03/2001	Mark Van Roon	5035-113US	4195

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EXAMINER

CHEN, TE Y

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 12/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/936,366

Applicant(s)

ROON, MARK VAN

Examiner

Susan Y Chen

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 17-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 17-21 and 27-32 is/are rejected.
- 7) ☐ Claim(s) 22-26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

Claims 1-32 are presented for examination, claims 1-16 have been canceled via the Preliminary Amendment filed on 12/03/2001 and claims 17-32 are newly added.

Specification

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicants' cooperation is requested in correcting any errors of which applicants may become aware in the specification.

Claim Objections

Claims 23-24 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

As to claims 23-24, the dependency of these claims is improper since they are dependent upon themselves. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2171

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 17-21 and 27-32, are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,920,847 issued to Kolling et al. (hereinafter referred as Kolling '847).

Claim 17:

Kolling '847 discloses:

a computer system [e.g., the Network Payment system, Figs. 4] enables a party [e.g., the customer C (12), Fig. 4] and counter-party to be efficiently matched, comprising a first computer terminal into which the party inputs details of a potential first financial transaction, a second computer terminal into which the counter-party inputs details of a potential second financial transaction [e.g., see col. 12, lines 1-9], a computer network connecting the first and second terminals [e.g., the Payment Network (102), Fig. 4, connects the Consumer (12) and the Biller (14) Terminals]; characterized in there being a computer program [e.g. the software program in the UBF Computers, col. 21, lines 29-36] arranged to determine a net payment position if both the first and second transactions were to occur and to complete each transaction on the basis of the net payment

position [e.g., the Settlement sub-system (104), Fig. 4; col. 12, lines 1-27; col. 19, lines 11-24; Figs. 9-11].

Claim 18:

Kolling '847 further discloses:

There are sever party/counter-party pairs in a connected series of financial transactions such that only by combining all of the connected transactions are all of the parties and counter-parties satisfied in whole or part [e.g., see col. 12, lines 1-27].

Claim 19:

Kolling '847 further discloses:

The Internet comprises network connecting the first and second terminals [e.g., the payment Network (102), Fig. 4].

Claim 20:

Kolling '847 further discloses:

The first and second transactions relate to the sale or transfer of financial property [e.g., see the Bill Pay Order (122), or the Currency Foreign Exchange (166) processing, Fig. 6].

Claim 21:

The claimed feature that the financial program is designed to identify and complete transactions in first in first out order is a default nature of the network payment system.

Claim 27:

Kolling '847 discloses:

- using a web browser to defining a foreign exchange requirement [e.g. see col. 12, lines 24-27 of Kolling '847];
- sending the requirement via the internet to a server [e.g., see the Payment Ntwork 102, Fig. 4];
- processing that requirement using a computer program arranged to determine a net payment position if both the first and second transactions were to occur and to complete each transaction on the basis of the net payment position [e.g., col. 12, lines 1-27; Figs. 9-11].

Claim 28:

Kolling '847 further discloses:

The foreign currency exchange transaction occurred in a computer system [e.g., Fig(s). 1- 4].

Claim 29:

Kolling '847 further discloses:

A server is programmed to process a foreign currency exchange transaction based on a net payment position between the part and a counter-party [e.g., see the Settlement sub-system (104), Fig. 4; col. 11, lines 50 – col. 12, line 9; col. 19, lines 11-24].

Claim 30:

Kolling '847 further discloses:

The server is part of the computer based network payment system [e.g. Fig. 4].

Claim 31-32:

Kolling '847 discloses all of the features claimed by the applicant as discussed for claims 17, 27 and 29 above. Kolling '847 further discloses a client party [e.g. the Customers (502, 510i), Fig. 17] which receives foreign currency exchange in satisfaction of its requirement by means of returns. [e.g., Fig. 17].

Allowable Subject Matter

Claims 22-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art on record fails to disclose the claimed combination identifier which is a combination ID being derived from each unique foreign currency identifier as being involved in the possible buy and sale processing.

Conclusion

Art Unit: 2171


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Reeder (U.S. Patent No. 5,852,812) which discloses a billing system with means and methods to perform on-line computer networks transactions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y Chen whose telephone number is (703) 308-1155. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (703) 308-1436. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-6296.

Susan Chen
Dec. 12, 2003


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AU 2171